

THE BOARD OF SUPERVISORS
OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Regular Session

Tuesday

April 10, 2001

All Supervisors Present

Pledge of Allegiance to the Flag

Marcie Powell spoke regarding people who are drinking alcohol in Salida parks and the need to post signs in the parks regarding the County's ordinance and policy against drinking in public parks. She also spoke regarding redevelopment in the Salida area.

Raul Ortega spoke regarding the NASA Ames Research Center Crows Landing Flight Facility.

John Mataka spoke regarding his concerns about the meeting conduct and bylaws of the Solid Waste Management Committee.

June Mendez spoke regarding stray dogs, a fallen tree, and road conditions in her neighborhood.

Sean Del Solar spoke regarding a fatal accident that occurred on Highway 99 and requested the Board's support for a community effort to get Caltrans to install a solid center median barrier to help prevent future accidents.

The Board welcomed and introduced the Laval, Mayenne French Delegation.

B/C unan. Adopted the consent calendar

*A1 Approved the minutes of 3/27/01

*A2 Commended Dr. Cutting Favour, Dr. Garfield Pickell, Dr. John Payne, and the neighborhood collaboratives of West Modesto/King Kennedy, Airport Neighbors United, and the Ceres Partnership for Healthy Children for their services and commitment to the Stanislaus County HSA, the Family Practice Residency Program, and the community 2001-236

*A3 Appointed Paul Postma to the EDAC 2001-237

*A4a Accepted the resignation of John Sims from the WIB 2001-238

*A4b Accepted the resignation of Katheryn Salter from the Stanislaus Children's Council 2001-239

*A5 Commended Carlos Badger upon his 99th Birthday 2001-240

*A6a Proclaimed the month of April 2001 as Child Abuse Prevention Month and 4/27/01 as Children's Memorial Day 2001-241

*A6b Proclaimed 5/1/01 as Law Day U.S.A. 2001-242

*A7 Approved the COI Code for the Westside Power Authority (WPA) M-45-D-19 2001-243

*B1 Set a public hearing on 6/12/01, 9:25 a.m., to consider the approval of 2001-02 Special Assessment for Almond Wood Lighting District – Auditor-Controller 2001-244

*B2 Approved an agreement with the State Department of Mental Health for the provision of Mental Health Services for FY 2000-01; authorized the Director, or his Designee, to sign the agreement with the State Department of Mental Health; and, authorized the Director, or his Designee, to sign any amendments that are under \$100,000 and for which there are sufficient funds in the FY 2000/01 Budget – BHRS 2001-245

*B4 Approved submittal of a grant application to the California Office of Criminal Justice Planning to seek \$96,540 in Juvenile Accountability Incentive Block Grant (JAIBG 2000) Funds to be

- used to promote greater accountability of juveniles in the Juvenile Justice System; and, designated the Stanislaus County Juvenile Justice Coordinating Council as the Juvenile Crime Enforcement Coalition, as required by the grant, to develop a coordinated enforcement plan that allocates these funds in accordance with the proposed funding plan 2001-246
- *B6** Approved submission of an application for the Foster G. McGaw Prize for Excellence in Community Service; and, authorized the HSA Managing Director, or her Designee, to execute and submit the application 2001-247
- *B7** Approved the State Department of Health Services Contract #00-90463 for the Childhood Lead Poisoning Prevention and Medi-Cal and Lead Program Allocation; and, authorized the HSA Managing Director, or her Designee, to sign and execute the contract 2001-248
- *B8** Authorized the Library to compensate the Opera Piccola on the date of the performance, 5/3/01, pursuant to a grant with the California Arts Council 2001-249
- *B9** Authorized the Sheriff to apply for a grant through the United States Department of Justice (DOJ) Cops More Program to purchase crime analysis hardware and software; and, authorized the Sheriff to sign the grant application forms 2001-250
- *B10** Authorized the Sheriff to apply for reimbursement through the National Institute of Justice (NIJ) for bullet proof vests 2001-251
- *B11** Authorized the Sheriff to request supplemental grant funds of \$1,013,000 from the Office of National Drug Control Policy (ONDCP) for the Calendar Year 2001 for a total of \$2,500,000 for the Central Valley California High Intensity Drug Trafficking Area (HIDTA) Budget for the Calendar Year 2001 2001-252
- *B12** Authorized the Sheriff to submit the application for the 2001-2002 Correctional Officers Training Plan to the State Board of Corrections 2001-253
- *B13** Authorized the CSA to enter into a MOU with the California Statewide Automated Welfare System Consortium IV (C-IV) JPA; and, authorized the Chair of the Board to sign the agreement and any non-financial amendments 2001-254
- *B14** Approved the discharge of the accountability of the Treasurer-Tax Collector for County departmental accounts which are uncollectible and have previously been charged to the Collections Division in the amount of \$165,544.34 2001-255
- *B15** Accepted the Stanislaus County Treasury Pool's January, 2001 Monthly Investment Report; and, authorized the Chair to sign on behalf of the Board that the report has been reviewed and accepted – Treasurer-Tax Collector 2001-256
- *C1** Approved the Purchase Agreement to acquire road right-of-way at the northwest corner of the intersection of Albers Road and Claribel Road for the improvement of that intersection; authorized the Chair to execute the agreement; authorized the Auditor-Controller to increase Appropriations by \$12,000 in the project account; and, authorized the Auditor-Controller to issue a warrant for the purchase amount of \$11,000, payable to First American Title Company – PW 2001-257
- *C2** Approved constructing a pipeline within County road right-of-way along Vivian Road in the vicinity of West Monte Vista Avenue, conditioned upon meeting County requirements – PW 2001-258
- *C3** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding hearing Case #2001-04, for property located at 1621 Portland Avenue, Modesto, CA 2001-259
- *C4** Approved a request by the Knights Ferry History and Museum Association to hold a Peddlers' Faire on Covered Bridge Road on Sunday, 4/29/01; and, authorized the Director of Public Works to issue a permit for the event 2001-260

- ***C5** The Board finds that Ordinance C.S. 758 is not subject to the CEQA, and introduced and waived the first reading of Ordinance C.S. 758, to Amend Title 11 of the Stanislaus County Code, Amending No Parking Zones and Two Hour Parking Zones on Various County Roads
ORD-54-H-9 2001-261
- ***C6** Set a public hearing on 5/8/01, at 9:25 a.m., regarding FY 2001/02 assessments for various CSA's 2001-262
- ***D1** Approved the First Time Home Buyer Participation Guidelines to the Stanislaus County Program Income Reuse Plan 2001-263
- ***D2** Approved rescinding all or portions of Williamson Act Contracts 72-0970, 72-0654, 84-3973, 84-3948, 72-1027, 72-0743, and approved entering into new contracts pursuant to section 51257 of the Government Code; ordered the filing of a Notice of Exemption pursuant to CEQA Guideline Sections 15305 and 15317; authorized the Planning and Community Development Director to execute the new contracts; established the following findings: (1) the new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.(2) there is no net decrease in the amount of the acreage restricted. in cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.(3) at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.(4) after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in section 51222.(5) the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.(6) the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.(7) the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan 2001-264

S/C (4-1) (Mayfield opposed) ***B3** Authorized project management staff to incorporate into the design of the Performing Arts Facility the name of the facility as the Gallo Performing Arts Center; and, authorized the project management staff to incorporate into the facility an appropriate monument dedicating the Gallo Performing Arts Center to all citizens of Stanislaus County, present and future, by order of the Stanislaus County Board of Supervisors of the Year 2001 2001-267

Recessed at 10:50 a.m.

Reconvened at 11:03 a.m.

B/M unan. ***B5** Set a public hearing for 5/1/01, 9:25 a.m., to consider Stanislaus County Franchise Refuse Collection Rate Adjustment for Drop Boxes – DER 2001-268

B/M unan. **A8** Approved the use of the Courthouse lawn on 4/26/01, for holding a Victims' Garden Dedication Ceremony for the second phase completion of the Victims' Garden of Healing; and, proclaimed the week of 4/22/01 as Victim's Rights Week – DA 2001-265

M/B unan. **A9** Approved the contract with Mark Gaffney to design and build our County Fair Exhibit at the 2001 California State Fair for \$7,000.00; authorized the Chair to sign the contract; approved expenditure for \$3,500.00 from Cooperative Extension Fund #0100, ORG #0021100, Account #65650 for the first installment to the contract with Mark Gaffney; and, approved expenditure from Cooperative

Extension Fund #0100, ORG #0021100, Account #65650 for the second installment to the contract for \$3,500.00 to Mark Gaffney after the opening of the 2001 State Fair in August 2001 – Cooperative Extension 2001-266

B/C unan. **B16** Accepted presentation by the HSA of the Stanislaus County 2001 Community Health Report 2001-269

B/M unan. **B17** Approved the Balance Scorecard Performance Measures; approved the Key Success Factors; and, approved the revised Vision/Mission/Values/Priorities Statement – CEO 2001-270

B/S unan. **B18** Approved the Stanislaus County Comprehensive Multiagency Juvenile Justice Plan as recommended by the Juvenile Justice Coordinating Council and as tentatively approved by the State Board of Corrections for the implementation of the Schiff-Cardenas Crime Prevention Act (CPA) 2000 Plan; authorized the Chief Probation Officer to submit and sign on behalf of the County the County's application for approval for Schiff-Cardenas Crime Prevention Act of 2000 funding as well as related contracts, amendments, or extension with the State of California; adopted a resolution as required by the State Board of Corrections appointing the Chief Probation Officer as Chair of, and identifying the members of, the Juvenile Justice Coordinating Council; authorized the Chief Probation Officer to sign all related documents on behalf of the County and assuring support of the Comprehensive Multiagency Juvenile Justice Plan; contingent upon final approval of the County Plan by the State Board of Corrections, amended the Salary Position and Allocation Resolution to add positions as outlined in the staffing impact section of this agenda item; directed the Auditor-Controller to establish a new interest bearing Special Revenue Fund in the Probation Department as a separate Legal Budget Unit and establish Appropriations; re-affirmed through resolution the appointment of the Chief Probation Officer as the Chair of the Juvenile Justice Coordinating Council – Probation 2001-271

B/S unan. **D3** Authorized the Department of Planning and Community Development to begin preparation of a Specific Plan for the north and east area of the Salida Community Plan; and, authorized the Department of Planning and Community Development to obtain RFPs for preparation of a Specific Plan; directed staff to return to the Board at the conclusion of the RFP process for authorization to proceed based on cost, schedule, scope of work and plan components 2001-272

M/B unan. **9:25 a.m.** The Board ordered the filing of a Negative Declaration, based on the Initial Study, for Rezone Application #2000-17 - Walter Koenig; finds that the proposed Planned Development is consistent with the County General Plan; finds that development of the property will increase activity there, necessitating on- and off-site improvements; approved Rezone Application #2000-17 – Walter Koenig, subject to the attached Development Standards and Development Schedule; finds this project to be "De Minimis" for the purposes of Fish and Game Codes; and, introduced, waived the reading, and adopted Ordinance C.S. 757, for the approved Rezone Application #2000-17, to change the zoning from Planned Development #227 to a new PD to allow construction of mini-storage facilities on property located on the south side of Kiernan Avenue, west of McHenry Avenue, in the Modesto area
ORD-54-H-7 2001-273 & 2001-274

C/M unan. **9:30 a.m.** Approved the Crows Landing Flight Facility Reuse Plan for a General Aviation Permit, NASA training, environmental remediation, agricultural production and to facilitate and finalize transfer of the property title from NASA to Stanislaus County as modified by the Planning Commission subject to the attached Mitigation Measures, and pursuant to HR 356; approved the filing of the Mitigated Negative Declaration; find the project to be "de minimis" for the purposes of Fish and Game Codes; and, adopted the NASA Ames Research Center Crows Landing Flight Facility Reuse Plan
BD-70-2 2001-275

Corr 1 The Board recommended that the Ag Commissioner oppose AB 947, a bill which would improve local coordination and regulation of pesticide use; and, referred the letter from Ventura Co. requesting support of AB 947 to the Ag Commissioner.

Corr 2 Referred to the City-County Liaison Committee a letter from the Mayor of Modesto regarding the creation of an Ad Hoc Committee to discuss areas of mutual concern.

Corr 3 Referred to the City-County Liaison Committee a letter from the Mayor of Modesto regarding the existing sales tax agreement between the County and the City.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Rocky C. Sanderson; Enterprise Rent-A-Car; Vickie Van Buren; John Cadwell; John C. Tompkins and Kathleen B. Tompkins; Explorer Insurance Company (on behalf of Maria Quintero); Kimberly Clapp and Kathy Swift; Gail Carson; Dolores I. Williams; Gina Rose Arata; Claudia Marquez, Jose Marquez, Omar Marquez, Marivelle Marquez, Arcelia Rico, Rolando Rico, Alejandro Rico, Jr. and Crystal Rico; and, Dr. Robert Caton.

Supervisor Mayfield noted that re-districting of the Board Member's Districts would be considered at a public hearing. The CEO outlined the legal criteria. The County Counsel informed the Board that this County followed the legal requirements during the last re-districting in 1990.

Supervisor Blom attended the CSAC legislative conference where it's noted that a majority of the biomass energy plants were not functioning or were being dismantled by the Edison Corporation. These counties asked for support of generating of energy by bringing these biomass plants back on-line.

Supervisor Simon asked if PG&E's filing of Chapter 11 abrogated our contract with our Waste-to-Energy Plant. The CEO said the County would have an opportunity in Bankruptcy Court to resolve our issues with PG&E. County Counsel and the CEO assured the Board that they are staying on top of this issue.

Supervisor Caruso noted that the Eight County Water Coalition met with local utilities recently in Stanislaus County. He represented the County on the San Joaquin Valley Supervisors' Association regarding Broad Banding. He and Chair Paul attended Pat Glatke's retirement reception.

Chair Paul asked if the County could assist in the placement of the three mountain lions recently turned in by contacting the San Diego Zoo and Wildlife Park.

The CEO reported on potential water projects in Stanislaus County.

Adjourned to closed session at 1:32 p.m. for conference with labor negotiations: Agency Negotiator, Reagan Wilson; Employee Organizations: OES, AFSCME, SRPA, DSA, SCEA, SEIU, Local 535, CAA, CNA, OE3 and Management Employees. GC §54954.5(f); and, conference with legal counsel on existing litigation: Williams vs. County of Stanislaus and City of Modesto - Stanislaus County Superior Court Case #251177. GC §54956.9(a).

Adjourned at 2:50 p.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: LILLIE L. FARRIESTER, Assistant Clerk of the Board of Supervisors
(The above is a summary of the minutes of the Board of Supervisors. Complete minutes are available
from the Clerk of the Board's Office.)